

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

DEC 30 1993

In the Matter of

PR Docket No. 92-235

REPLACEMENT OF PART 90 BY PART 88 TO
 REVISE THE PRIVATE LAND MOBILE RADIO
 SERVICES AND MODIFY POLICIES
 GOVERNING THEM

To: The Commission

REPLY COMMENTS OF PACTEL PAGING

PacTel Paging ("PacTel"), by its attorneys, hereby submits its reply comments to the Notice of Proposed Rule Making^{1/} (the "Notice") in PR Docket No. 92-235, which proposes replacing the existing Part 90 Rules with a new Part 88 and adopting a comprehensive set of proposals designed (1) to increase channel capacity in the private land mobile bands below 512 MHz, (2) to promote more efficient use of these channels, and (3) to simplify the Commission's policies regarding these channels. The following is respectfully shown:

1. The Commission received comments from more than 400 interested parties in this proceeding representing the entire

^{1/} 7 FCC Rcd 8105 (1992).

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galaxy of private radio interests: licensees and users (both large and small)^{2/}, manufacturers^{3/}, industry associations^{4/}, and entrepreneurs^{5/} seeking additional opportunities to serve the burgeoning demand for dispatch and other private mobile radio services. The interests of these parties were understandably diverse, and their comments addressed many different issues. However, most addressed certain key issues that cut across their interests. PacTel will limit its reply to addressing these overarching issues.

^{2/} These parties include BellSouth, Model Radio Users (Comments collected by Representative Petri and Senator Faircloth), Southern California Gas Co. (So. Cal. Gas), Securicor PMR Systems, Inc. (Securicor), Southwestern Bell Corporation, and State of California Department of General Services.

^{3/} These parties include E.F. Johnson Company (E.F. Johnson), Ericsson Corporation, Ericsson GE Mobile Communications, Inc. (collectively, Ericsson), Motorola, and Nippon Telephone and Telegraph Corporation (NTT).

^{4/} These parties include Alarm Industry Communications Committee (AICC), American Petroleum Institute (API), Associated Public-Safety Communications Officers, Inc. (APCO), Arizona Chapter of Associated Public-Safety Communications Officers, Inc. (Arizona APCO), Association of American Railroads (AAR), Coalition of Industrial and Land Transportation Land Mobile Radio Users (Coalition), Industrial Telecommunications Association, Inc. (ITA), Council of Independent Communications Suppliers (CICS), Telephone Maintenance Frequency Advisory Committee (TMFAC), National Association of Business and Educational Radio, Inc. (NABER), Public Safety Communications Council (PSCC), The Radio Control Manufacturers Association, Telecommunications Industry Association (TIA), and Utilities Telecommunications Council (UTC).

^{5/} These parties include Celpage, Inc. (CelPage) and PacTel. PacTel fully supports CelPage's comments regarding private carrier paging channels.

I. The Commission Should Continue with the
Innovative Shared Use Proposal

2. Most current licensee and trade association commenters oppose the Commission's unique innovative shared use ("ISU") proposal.^{6/} These commenters opposed the ISU concept primarily on the ground that the channels created by refarming the 150 to 174 MHz band should be reserved for the current

Furthermore, private carrier licensees have been at the forefront of efforts to bring more efficient technology to these bands.^{10/} The ISU proposal is a natural outgrowth of these industry developments and will serve the public interest by allowing a significantly greater number of users to be served at lower costs and with higher efficiency than is currently experienced on

channels to be split by 1994, was roundly criticized as not allowing existing licensees time to make the required changes.^{14/} In addition, many commenters believe that the 1994 timetable will not permit existing licensees to fully amortize the cost of their existing equipment.^{15/} Furthermore, many commenters also oppose establishing final channel bandwidths of 5 and 6.25 kHz for the VHF and UHF bands.^{16/}

5. PacTel agrees that the cost to reduce the current bandwidths of 25 and 30 kHz would be very high and the transition would require new equipment in many instances.^{17/} In addition,

^{13/}(...continued)

at pp. 10-12, 16, 18-20, TIA at pp. 6, 10-14, 22, and UTC at pp. 22-27.

^{14/} See, e.g., Comments of California Department of General Services at ¶10 (3,500 staff hours), Southwestern Bell at p. 18, TIA at pp. 3-4, and UTC at pp. 22.

^{15/} See, e.g., Comments of APCO at p. 12, TIA at pp. 5-6, and UTC at p. 22.

^{16/} See, e.g., Comments of API at ¶29-30, California Department of General Services at ¶16-25, TIA at p. 13, and UTC at pp. 19-27.

^{17/} PacTel agrees that the reduction of bandwidth is more than a mere "screwdriver adjustment". In many instances, the transmitter's deviation can be reduced by a mere turn of the screwdriver, but reducing the receiver bandwidth would require either a new Intermediate Frequency (IF) filter or a

the January 1, 1994, transition date might be too ambitious in most instances to have the entire process completed in a cost efficient manner.^{18/} The process, however, must begin immediately if the task is to be completed even by the year 2004.^{19/} PacTel, therefore, recommends that the implementation plan allow current licensees to use their existing equipment until 2004, but require all new licensees after 1994 to have radios capable of operating on the new narrowband channels.^{20/} This proposal serves the public interest by ensuring that the conversion will occur as planned.^{21/}

^{17/} (...continued)

overcomes the shortcoming identified by many commenters of

6. PacTel further believes that the public interest will be served by mandating 5 to 6.25 kHz channels for these bands by 2004.^{22/} If the Commission adopts the two-step approach suggested by many commenters -- go to 12.5 kHz and later decide whether 5 to 6.25 kHz channels are feasible -- the Commission will be faced in 2004 with the same arguments which it faces today, including delaying implementation until licensees that have acquired 12.5 kHz equipment have fully depreciated the equipment: some additional ten years.^{23/} The public interest would be served best by requiring all current licensees to meet the narrower bandwidths by 2004.^{24/} Therefore, the Commission should adopt a requirement that all licensees must by the year 2004 have converted to 5 to 6.25 kHz channels.

^{22/} Some commenters opposed the Commission setting the "bogey" at this narrower bandwidth to ensure freedom to use technology, such as Time Division Multiple Access (TDMA), to gain channel efficiencies. See, e.g., Comments of APCO at pp. 13-18, AAR at pp. 25-26, E.F. Johnson at pp. 8-10, Ericsson at pp. 4-13, ITA at pp. 13-15, and Motorola at pp. 1-5; but cf., e.g., Comments of Coalition at pp. 6-8.

^{23/} Indeed, the commenters stated that they would need to purchase new equipment to meet the new 12.5 kHz standard. If that is the case, PacTel suggests that the Commission eliminate the intermediate step of going to 12.5 kHz, and instead require that all new equipment placed after 1994 be 5 to 6.25 kHz in bandwidth. This would ensure that the licensee's investment would be safe for the foreseeable future.

^{24/} Indeed, the current two-step approach suggested in the proposed rules was a result of the Commission's thinking that the initial conversion was inexpensive to perform. Since the conversion is not inexpensive, the Commission should leap immediately to the narrower bandwidth.

III. The Commission's Proposed Power Reduction
Should NOT Be Adopted

7. Almost all commenters opposed the Commission's proposal to reduce the power permitted to private radio licensees because it would reduce the coverage of existing systems, thereby requiring additional facilities and licenses.^{25/} PacTel concurs that this proposal would lead to additional hardship on existing licensees and not serve the public interest. Indeed, the Commission has found in other services that increasing the power permitted to licensees would serve the public interest.^{26/} PacTel, therefore, urges the Commission to adopt the LMCC height/power limitation. but permit individual licensees to

IV. Conclusion

8. The foregoing premises having been duly considered, PacTel respectfully requests that the Commission expeditiously adopt final rules reflecting PacTel's comments.

Respectfully submitted,

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